

**REPORT OF THE AUDIT OF THE
OWEN COUNTY
SHERIFF**

**For The Year Ended
December 31, 2008**



**CRIT LUALLEN
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EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE OWEN COUNTY SHERIFF

**For The Year Ended
December 31, 2008**

The Auditor of Public Accounts has completed the Owen County Sheriff's audit for the year ended December 31, 2008. Based upon the audit work performed, the financial statement presents fairly, in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees increased by \$47,545 from the prior year, resulting in excess fees of \$76,849 as of December 31, 2008. Revenues increased by \$49,742 from the prior year and expenditures increased by \$2,197.

Report Comments:

- The Sheriff's Office Lacks Adequate Segregation Of Duties Over Receipts And Disbursements
- Receipts Should Be Batched Daily, Posted To A Daily Checkout Sheet, And Deposited Daily
- The Sheriff Should Pay Invoices In A Timely Manner

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Carolyn Keith, County Judge/Executive
The Honorable Zemer Hammond, County Sheriff
Members of the Owen County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the Sheriff of Owen County, Kentucky, for the year ended December 31, 2008. This financial statement is the responsibility of the Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the Sheriff for the year ended December 31, 2008 in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated July 16, 2009, on our consideration of the Owen County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable Carolyn Keith, County Judge/Executive
The Honorable Zemer Hammond, County Sheriff
Members of the Owen County Fiscal Court

Based on the results of our audit, we have presented the accompanying comments and recommendations, included herein, which discusses the following report comments:

- The Sheriff's Office Lacks Adequate Segregation Of Duties Over Receipts And Disbursements
- Receipts Should Be Batched Daily, Posted To A Daily Checkout Sheet, And Deposited Daily
- The Sheriff Should Pay Invoices In A Timely Manner

This report is intended solely for the information and use of the Sheriff and Fiscal Court of Owen County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these interested parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a stylized, flowing script.

Crit Luallen
Auditor of Public Accounts

July 16, 2009

OWEN COUNTY
ZEMER HAMMOND, SHERIFF
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2008

Revenues

State - Kentucky Law Enforcement Foundation Program Fund	\$	19,886
State Fees For Services:		
Finance and Administration Cabinet	\$	2,997
Sheriff Security Service	<u>9,620</u>	12,617
Circuit Court Clerk:		
Fines and Fees Collected		8,800
Fiscal Court		275
County Clerk - Delinquent Taxes		2,973
Commission On Taxes Collected		216,155
Fees Collected For Services:		
Auto Inspections	2,920	
Accident and Police Reports	264	
Serving Papers	23,850	
Carrying Concealed Deadly Weapon Permits	<u>2,130</u>	29,164
Other:		
Tax Penalty	24,403	
Miscellaneous	<u>6,852</u>	31,255
Interest Earned		1,756
Borrowed Money:		
State Advancement		<u>59,361</u>
Total Revenues		382,242

The accompanying notes are an integral part of this financial statement.

OWEN COUNTY
 ZEMER HAMMOND, SHERIFF
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2008
 (Continued)

Expenditures

Operating Expenditures and Capital Outlay:

Personnel Services-

Deputies' Salaries	\$	91,569	
KLEFPF		18,686	

Contracted Services-

Advertising		2,840	
Vehicle Maintenance and Repairs		6,087	

Materials and Supplies-

Office Materials and Supplies		16,302	
Uniforms		3,588	

Auto Expense-

Gasoline		19,145	
Maintenance and Repairs		650	

Other Charges-

Conventions and Travel		935	
Dues		717	
Postage		5,280	
Computer		1,160	
Carrying Concealed Deadly Weapons Permits		645	
Miscellaneous		883	
		<u>883</u>	

\$	168,487
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Debt Service:

State Advancement	\$	59,361
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Total Expenditures	227,848
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Net Revenues	154,394
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Less: Statutory Maximum	<u>74,020</u>
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Excess Fees	80,374
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Less: Training Incentive Benefit	<u>3,525</u>
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Excess Fees Due County for 2008	76,849
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Payment to Fiscal Court - February 20, 2009	<u>76,849</u>
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Balance Due Fiscal Court	<u><u>\$ 0</u></u>
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The accompanying notes are an integral part of this financial statement.

OWEN COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2008

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the Sheriff as determined by the audit. KRS 134.310 requires the Sheriff to settle excess fees with the fiscal court at the time he files his final settlement with the fiscal court.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive) at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2008 services
- Reimbursements for 2008 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2008

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

OWEN COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2008
(Continued)

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost-sharing, multiple-employer, defined benefit pension plan that covers all eligible full-time employees and provides for retirement, disability, and death benefits to plan members.

Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 16.17 percent for the first six months and 13.50 percent for the last six months of the year. Hazardous covered employees are required to contribute 8 percent of their salary to the plan. The county's contribution rate for hazardous employees was 33.87 percent for the first six months and 29.50 percent for the last six months of the year.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Aspects of benefits for hazardous employees include retirement after 20 years of service or age 55.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Owen County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Owen County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2008, all deposits were covered by FDIC insurance.

OWEN COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2008
(Continued)

Note 4. Drug Account

The Sheriff's office maintains an account for the receipt and expenditure of funds resulting from drug related seizures and forfeitures. Expenditures from this account are for law enforcement activities. The balance on January 1, 2008 was \$2,926. Receipts for 2008 were \$13,724 and expenditures were \$11,078. The balance in the account as of December 31, 2008 was \$5,572.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Carolyn Keith, Owen County Judge/Executive
The Honorable Zemer Hammond, Owen County Sheriff
Members of the Owen County Fiscal Court

**Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards**

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Owen County Sheriff for the year ended December 31, 2008, and have issued our report thereon dated July 16, 2009. The Sheriff's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Owen County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However as discussed below, we identified a certain deficiency in internal control over financial reporting that we consider to be a significant deficiency.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the regulatory basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control over financial reporting. We consider the deficiency described in the accompanying comments and recommendations to be a significant deficiency in internal control over financial reporting.

- The Sheriff's Office Lacks Adequate Segregation Of Duties Over Receipts And Disbursements



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control. Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we consider the significant deficiency described above to be a material weakness.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Owen County Sheriff's financial statement for the year ended December 31, 2008, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under Government Auditing Standards and which are described in the accompanying comments and recommendations.

- Receipts Should Be Batched Daily, Posted To A Daily Checkout Sheet, And Deposited Daily
- The Sheriff Should Pay Invoices In A Timely Manner

This report is intended solely for the information and use of management, the Owen County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,



Crit Luallen
Auditor of Public Accounts

July 16, 2009

COMMENTS AND RECOMMENDATIONS

OWEN COUNTY
ZEMER HAMMOND, SHERIFF
COMMENTS AND RECOMMENDATIONS

For The Year Ended December 31, 2008

INTERNAL CONTROL - MATERIAL WEAKNESS:

The Sheriff's Office Lacks Adequate Segregation Of Duties Over Receipts And Disbursements

During the review of the Sheriff's internal controls, the auditor noted the lack of adequate segregation of duties over receipts and disbursements. A deputy clerk is responsible for preparing the daily checkout sheets, posting collection totals to the receipts ledger, preparing deposits, and reconciling the bank account. In addition, the same clerk is also responsible for bill payments and posting to the general ledger. Adequate segregation of duties would prevent the same person from having a significant role in the processing, recording, and reporting of receipts and disbursements. We recommend the following procedures to establish some compensating controls to offset the lack of adequate segregation of duties.

- The Sheriff or another employee should periodically compare the daily checkout sheets and then compare the daily checkout sheet to the receipts ledger. Any differences should be reconciled. The review should then be documented by initialing and dating the bank deposit, daily checkout sheet and receipts ledger.
- The Sheriff or another employee should periodically, compare the bank reconciliation the balance in the checkbook. Any differences should be reconciled. The review should be documented by initialing and dating the bank reconciliation and the balance in the checkbook.
- The Sheriff or another employee should compare the quarterly financial report to the receipts and disbursements for accuracy. Initialing and dating the quarterly report should document the reviews.
- The Sheriff or another employee should periodically compare the invoices to the payments. Initialing and dating the invoices should document the review.

Sheriff's Response: None.

STATE LAWS AND REGULATIONS:

Receipts Should Be Batched Daily, Posted To A Daily Checkout Sheet, And Deposited Daily

Testing of receipts indicated receipts were not being batched daily, posted to a daily checkout sheet, or deposited daily. Under the authority of KRS 68.210, the Department for Local Government (DLG) has established requirements for all local government officials handling public funds. These requirements include "daily deposits intact into a federally insured banking institution". We recommend the Sheriff implement procedures to ensure receipts are batched daily, posted to a daily checkout sheet, and deposited within three business days in order to meet the requirements established by DLG.

Sheriff's Response: None.

OWEN COUNTY
ZEMER HAMMOND, SHERIFF
COMMENTS AND RECOMMENDATIONS
For the Year Ended December 31, 2008

STATE LAWS AND REGULATIONS: (Continued)

The Sheriff Should Pay Invoices In A Timely Manner

Expenditure testing revealed four instances in which invoices were paid between 31 and 60 days late, three instances in which invoices were paid between 61 and 90 days late and two instances in which invoices were paid over 90 days late. KRS 65.140(2) states, "unless the purchaser and vendor otherwise contract, all bills for goods and services shall be paid within thirty (30) working days of a vendor's invoice." We recommend the Sheriff's office comply with KRS 65.140(2) and pay invoices in a timely manner.

Sheriff's Response: None.

